

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

XIAOCHUN GAO,

Plaintiff,

-V-

SAVOUR SICHUAN INC., *et al.*,

Defendants.

19 Civ. 2515 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

The Court conducted a three-day bench trial in this matter in July 2023. *See* Dkts. 164, 166, 168. At the trial’s conclusion, the Court ordered the parties to submit proposed findings of fact and conclusions of law by September 15, 2023. Dkt. 168 at 358:5-10. On September 15, 2023, Plaintiff Xiaochun Gao and Defendant Xiaoman Duan timely filed their proposed findings and conclusions. Dkts. 170, 171. On September 16, 2023, a day after the Court’s deadline for post-trial submissions, Ricardo R. Morel, Esq., counsel for Dongmei Wei, Weimin Hong, Jie Fang, Savour Sichuan, Inc., and The Best Sichuan, Inc., requested a “reasonable” extension of time to submit proposed findings and conclusions on behalf of his clients. Dkt. 172. The Court granted the request, extending the deadline to October 6, 2023, and expressly cautioning that Mr. Morel “should not expect any further extensions of th[e] deadline.” Dkt. 174. Mr. Morel, however, failed to comply with the October 6 deadline as well. Instead, he submitted a letter on October 11, 2023, stating that he “mange[d] to put together the defendants’ proposed findings of fact and conclusions of law,” but he needed to have someone type the document due to “a series of technical problems, personal health issues, and family tragedies.” Dkt. 176. The letter further indicated that Mr.

Morel's calendar was set with the wrong deadline for this filing. *Id.* While the October 11, 2023 letter does not expressly request an extension of time to file the proposed findings of fact and conclusions of law—and in fact acknowledges that the Court likely would not accept the late filing—the Court will allow Mr. Morel one final extension, of one-week until January 31, 2024, to file his clients' proposed findings of fact and conclusions of law.


The Court emphasizes to Mr. Morel that **no further extensions will be granted.** As the parties are well aware, this is not the first time Mr. Morel has disregarded Court-ordered deadlines in this case. Prior to trial, the parties were ordered to submit a joint proposed pretrial order by June 10, 2023. On June 12, 2023, Gao submitted a proposed pretrial order, but without any contribution from Defendants. On June 13, 2023, the Court issued an Order that, *inter alia*, directed Defendants to explain their failure to comply with the its Order that the parties file a proposed pretrial order *jointly*. Dkt. 156. On June 14, 2023, Mr. Morel cited personal health reasons and an apparent misunderstanding for his failure to contribute to the proposed pretrial order submitted by Gao, Dkt. 157, and attached a revised proposed pretrial order, Dkt. 157-1. The June 13, 2023 Order also directed the parties to brief whether Gao has standing the bring wage notice and wage statement claims under the New York Labor Law, setting a deadline of June 26, 2023 for the parties' briefs on that issue. While Gao timely filed her brief on standing, Dkt. 158, Mr. Morel submitted his client's brief a day late, Dkt. 159.

Given that Mr. Morel's letter of October 11, 2023 represents that he "manage[d] to put together the defendants' proposed findings of fact and conclusions of law" and that someone was typing that document for filing, the Court expects that by now, over three months later, the document is ready to be filed and Mr. Morel can comply with the January 31, 2024 deadline. If Mr. Morel does not file proposed findings of fact and conclusions of law on behalf his clients by

that date, the Court will issue its decision based on the trial evidence and post-trial submissions from Gao and Duan.

SO ORDERED.

Dated: January 24, 2024
New York, New York



JOHN P. CRONAN
United States District Judge